Numeric Nutrient Standards
Summary of Progress

- The 2011 State Legislature passed SB 367 that provided guidance for MDEQ and the communities of Montana on numeric nutrient standards through May 31, 2016. The legislation states that by May 31, 2016 that dischargers of less than 1 million gallons per day will be at 15 milligrams/liter TN and 2 m/L P, over 1 million gallons per day will be at 10 m/L TN and 1 m/L TP. Lagoons not designed to remove nutrients will remain as permitted. After May 31, 2016 communities will have to meet adopted numeric nutrient standards or receive variances.
- A draft nutrient trading policy has been developed to provide communities an opportunity to work with non-point source dischargers to assist point source discharge requirements.
- The general economic variance process did not stay with the 1% MHI as identified in SB 95. EPA had concerns that the blanket 1% did not follow precedence set in other States. At this time MDEQ is using the procedures outlined in EPA documents that work on a formula to establish a community's MHI threshold based on an income, community debt, and a variety of other factors. The MLCT's would prefer the SB 95, 1% MHI, but understand EPA's direction.
- At this time both MDEQ and EPA have agreed all communities in Montana are eligible for the general economic variance.
- The limits of Technology (LOT) have been determined to include all levels of treatment short of reverse osmosis. MDEQ has set the numeric nutrient limits at 4 TN & .07 TP from a treatment facility. The MLCT position is that the values of 4 TN & .07 TP are achievable although at significant costs; they are extremely difficult and not proven in Montana when a treatment plant is operating at or near capacity. The 2 wastewater treatment plants that have achieved these values are operating at half capacity of less, and do not produce concentrations consistently. This is an area for more discussion.
- We have agreed that a facility that moves to a zero wastewater discharge load in the summer months when the new numeric nutrient standards are in affect is automatically exempted from the new standards. This can be accomplished through land application or any other method that does not require discharge in receiving water.
- The use of an approved TMDL to determine if the treatment facility is not significant nutrient loading source is still being clarified. This methodology has been used in the Missoula TMDL process.
- MDEQ has stated that until there are improvements to the technology in treating lagoon systems, lagoons in Montana will receive a general variance and will remain at current discharge permit levels. Communities with lagoons will be required to make Best Management Practices improvements to their systems to improve effluent quality.
- If you have an existing lagoon that has a mechanical system on the end to treat phosphorous or nitrogen, you are considered the same for nutrient standards as a mechanical treatment plant. You cannot treat for only TP or TN, but must treat for both.
- The variance for Net Environmental Benefit has not been resolved. It is the MLCT belief that the reason for the proposed numeric nutrient standards is to ensure Montana's waters are safe for aquatic life and beneficial uses. The concept of the variance process presented by the MLCT's is that if a point source discharger is meeting or exceeding the water quality standards for nuisance algae, dissolved oxygen, and Ph, then the discharger should receive a variance from more restrictive numeric nutrient discharge limits. The point source discharger would be

responsible to provide MDEQ and EPA with either in-stream tests showing the water quality standards are met or water quality modeling. If the receiving waters of a point source discharger meet the water quality standards, the significant expense of further treatment plant improvements is not justified. This is a point the MLCT believes is defensible and may need to be presented as Legislation during the 2013 Legislature if resolution cannot be resolved.

Over the past year there have been significant discussions and improvements in how the new Numeric Nutrient Standards are viewed and implemented. Discussions by all parties affected have been beneficial and have resulted in a variance system that recognizes water quality, economic affects, and actual benefits from required improvements.